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LETTER DATED 9 JULY 1997 FROM THE PERMANENT REPRESENTATIVE OF ZIMBABWE TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The Assembly of Heads of State and Government of the Organization of African Unity (OAU) met at Harare from 2 to 4 June 1997.

On that occasion they adopted a Declaration on the Dispute between the Libyan Arab Jamahiriya and the United States of America and the United Kingdom of Great Britain and Northern Ireland.

I have the honour to transmit herewith the OAU Declaration and to request that it be circulated and brought to the attention of members of the United Nations Security Council.

(Signed) Machivenyika T. MAPURANGA
Ambassador and Permanent Representative
Personal Representative of the Current Chairman
of the Organization of African Unity (OAU)

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Annex

Declaration AHG/Deci.2 (XXXIII) Rev.2 adopted by the Assembly of Heads of State and Government of the Organization of African Unity at its thirty-third ordinary session meeting at Harare from 2 to 4 June 1997 on the dispute between the Libyan Arab Jamahiriya and the United States of America and the United Kingdom of Great Britain and Northern Ireland

1. We, the Heads of State and Government of the Organization of African Unity (OAU), meeting in our thirty-third ordinary session at Harare, Zimbabwe, from 2 to 4 June 1997, exhaustively discussed the dispute between the Libyan Arab Jamahiriya on the one hand, and the United States of America and the United Kingdom on the other. In examining this problem, we were guided by the principles enshrined in the Charters of the United Nations and OAU, respectively, requiring member States to settle their differences by peaceful means, through dialogue, negotiation and legal procedures, to respect the independence of all Member States and refrain from any threats to their sovereignty, territorial integrity and the security of their nationals.

2. After considering the Secretary-General's report and that of the OAU Ministerial Committee on the dispute, we took note of the fact that the Libyan Arab Jamahiriya had fully met the requirements demanded by the Security Council as contained in resolution 731 (1992) of 21 January 1992. As a matter of fact, the Libyan Arab Jamahiriya had unequivocally condemned terrorism in all its forms as well as all those perpetrating or encouraging it, and had made clear her readiness to give all necessary cooperation to the international community with a view to eradicating that heinous phenomenon. However, the Libyan Arab Jamahiriya had found it impossible to extradite its two nationals allegedly implicated in the bombing over Lockerbie in 1988.

3. We, regretting the continued sanctions imposed on the country, expressed our deep concern over the human and material deprivations to which the Libyan people have been subjected. We wish to emphasize that these obnoxious sanctions affect not only the Libyan people, but also the neighbouring countries as well as African workers from other countries of the continent.

4. We were once again informed that the Libyan Arab Jamahiriya is willing to cooperate fully in any regional or international effort aimed at resolving the crisis. In this connection, we take note of the fact that the Government of the Libyan Arab Jamahiriya has accepted the initiative of the League of Arab States supported by OAU, the Movement of Non-Aligned Countries and the Organization of the Islamic Conference, to the effect that the two Libyan suspects be given a just and fair trial by Scottish judges and according to Scottish law at the headquarters of the International Court of Justice (ICJ). We remain convinced that this initiative, if accepted, constitutes a practical solution and should guarantee a just and fair trial whereby the interests of the concerned parties would be taken into account. Indeed, the objective of resolution 731 (1992) is not to violate the sovereignty of the Libyan Arab Jamahiriya but rather to serve the cause of justice and reveal the truth. We strongly deplore the fact that one or two concerned countries have so far shown indifference to the initiatives

presented to them with a view to a just and equitable solution to the crisis. This has led to an impasse and, as a result, the entire Libyan people have not only been held hostage for five years, but have also been subjected to collective suffering because of accusations none of the two countries concerned have been able to substantiate.

5. In its search for a just and urgent solution to the conflict, in close cooperation with the League of Arab States, we once again express our hope that the Security Council will consider ways and means for a rapid resolution of the crisis, and to this end, submit for consideration the following recommendations adopted jointly with the League of Arab States, and supported by the Non-Aligned Group.

Option 1: Hold the trial of the two suspects in a third and neutral country to be determined by the Security Council.

Option 2: Have the two suspects tried by Scottish judges at ICJ in The Hague, in accordance with Scottish law.

Option 3: Establish a special criminal tribunal at ICJ headquarters in The Hague to try the two suspects.

6. We, the Heads of State and Government, call upon the Security Council to accept one of the proposed options, thereby facilitating the speedy and definitive resolution of the dispute. In the same vein, we appeal to the Security Council to lift the sanctions imposed on the Libyan Arab Jamahiriya. This has become imperative, more so as the sanctions are having an increasingly devastating effect on the people of the Libyan Arab Jamahiriya as well as on the country's economy. In this connection, we endorse the position expressed by the Council of Ministers at its sixty-fourth ordinary session, held at Yaoundé, Cameroon, from 1 to 6 July 1996 and at its sixty-fifth ordinary session, held at Tripoli, the Libyan Arab Jamahiriya, from 24 to 28 February 1997, to the effect that continued imposition of sanctions might lead African countries to devise other means of sparing the Libyan people future suffering. In this respect, we mandate the Secretary-General of OAU to prepare a practical plan of action.

7. We, the Heads of State and Government, commend the efforts made by the two committees set up, respectively, by OAU and the League of Arab States on the dispute, and encourages them to proceed with the implementation of the plan of action agreed upon by the two committees with a view to reaching an acceptable solution of the dispute. At the same time, we appeal to the international community and the Security Council, in particular, to heed the support given to the Libyan position, by regional organizations and numerous States. We also call upon the Security Council, to envisage as a prelude to the lifting of sanctions imposed upon the Libyan Arab Jamahiriya, provisions for exempting from the embargo such flights as may be run by the Libyan Airlines for a humanitarian purpose, including assistance in kind to some African countries; for promoting the role played by the Libyan Arab Jamahiriya in the African context as well as flights for religious purposes.

8. We, the Heads of State and Government, appreciate the support given by the African States, individually and collectively, to the Libyan Arab Jamahiriya with a view to mitigating the negative impact of the embargo.

9. Lastly, we, the Heads of State and Government, appreciating the efforts made by the Secretary-General, call upon the latter to follow the implementation of the present declaration and report thereon to the next session.